

## REMARKS

Upon entry of the foregoing Amendment, claims 1-7, 9-20, and 22-26 are pending in the application. Claims 9-10 and 20 have been amended. Claim 21 has been cancelled, and no claims are newly added. Applicant believes that this Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

### **Allowable Subject Matter**

The Examiner's allowance of claim 24 is appreciated. Furthermore, the Examiner's indication of allowable subject matter in claims 9, 16 and 21 is noted with appreciation. As indicated below, Applicants have amended these allowable claims in accordance with the Examiner's suggestions to conform to 35 U.S.C. §112.

Furthermore, claim 21 has been rewritten in independent form by incorporating the features included therein into independent claim 20. Accordingly, independent claim 20 and dependent claims 22-23 are in condition for allowance.

In addition to the Examiner's reasons for allowable subject matter, Applicants wish to note that other patentable distinctions exist between the claims and the references relied upon by the Examiner to reject the claims.

### **Rejection Under 35 U.S.C. § 112**

The Examiner has rejected claims 9-10 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant traverses this rejection because the claims do point out and distinctly claim the subject matter which Applicant regards as the invention.

However, solely for purposes of expediting prosecution of this application, Applicant has amended claims 9-10 to further clarify the invention in accordance with the Examiner's suggestions. Accordingly, Applicant requests that the Examiner withdraw this rejection of the claims.

### **Rejection Under 35 U.S.C. § 103**

The Examiner has rejected claims 1-7, 10-15, 17-20, 22-23, and 25-26 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,845,303 to Templeman in view of U.S. Patent No 6,199,082 to Ferrel et al. ("Ferrel"), and further in view of U.S. Patent No. 6,829,646 to Philyaw et al. ("Philyaw"). Applicant traverses this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention.

None of the references relied upon, either alone or in combination, teach or suggest at least the claimed feature of "supplementing the second computer with a subsequent batch of nodes, wherein the subsequent batch of nodes comprises the at least one node in a second resolution level that is finer than the first resolution level," as recited in claim 1, for example. The Examiner does not specifically address this feature. See Office Action at 3-5. Instead, the Examiner appears to rely upon teachings in Ferrel that address "delivering separate design and content of a publishing system whereby scheduled delivery is discussed." Office Action at 4.

At best, Ferrel is directed to providing users with scheduled delivery of content updates. That is, as content on a server changes (e.g., when a publisher updates the content), subsequent user downloads only transmit content that has been updated or modified since a previous download (Abstract, "Subsequent downloads of content transmits only the content since the format is cached on the customer's computer after the first download.") However, these subsequent downloads involve transmission of new, or changed, content, and thus the subsequent downloads involve a separate document from the first download.

In fact, as quoted above, the Examiner expressly acknowledges that Ferrel teaches subsequent downloads involving separate content, and thus separate documents. See Office Action at 4. In Ferrel, at best, a subsequent document download may share a common document format as a previous download.

Nonetheless, the subsequently downloaded content is distinct from the previously downloaded content, such that the subsequent downloads cannot fairly teach or suggest "supplementing the second computer with a subsequent batch of nodes, wherein the subsequent batch of nodes comprises the at least one node in a second resolution level." That is, in the claimed invention, the "initial batch of nodes" and the "subsequent batch of nodes" are both decompositions of the same document, albeit at distinct resolutions. Ferrel does not teach or suggest scheduled delivery in this manner.

Templeman and Philyaw fail to cure the deficiencies of Ferrel discussed above. For at least this reason, the references relied upon by the Examiner, either alone or in combination with one another, fail to teach or suggest all the features of claim 1. Accordingly, the rejection is improper and must be withdrawn.

Moreover, Ferrel cannot fairly be combined with Templeman and Philyaw because using Ferrel's teaching of scheduled delivery would frustrate the purposes of the other references. For example, the Examiner's rationale for combining references is to provide "a convenient and automatic way of obtaining regular resolution updates to newsletters." Office Action at 4-5. The Examiner supports this allegation by referring to Philyaw's providing portions of a document in increasingly finer resolutions in response to a user changing a video resolution. See Office Action at 4, 8 ("If a user changes browser or screen resolution, Philyaw teaches eventual downloading of new batches of nodes with new combinations of banner resolution").

Philyaw's method of providing finer document resolutions is for the purpose of generating tangible revenue by "placing more advertising content in front of the viewer." Philyaw at col. 2, lines 17-21. In essence, by a user increasing their video resolution, a portion of a document "appears" smaller on the screen, and thus more advertising can be placed in the additional space. However, Philyaw does not provide users with finer resolution images, and correlatively, more advertising, unless the user specifically requests it. Philyaw at col. 6, lines 37-61 ("the tickler advertisement object is an inducement to encourage the user to increase his or her video resolution in order to obtain a reward or offer.") (emphasis added). Even if the scheduled delivery technique of Ferrel is "convenient and automatic," such an automatic scheduled delivery would not

suit the purposes of Philyaw (i.e., incentivizing users to view more advertising by increasing video resolution).

For at least the reason that the references cannot properly be combined, the rejection is improper and must be withdrawn.

Claims 6, 14, and 25 includes features similar to those set forth in claim 1. Claims 2-5, 7, 9-13, 15-19, and 26 depend from and add features to one of claims 1, 6, 14, and 25. Thus, the rejections of these claims are likewise improper and must be withdrawn for at least the same reasons.


### **CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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